

REMARKS

In this Amendment, claim 27 is amended, and claims 31-33 are canceled. Applicants reserve the right to file one or more divisional or continuation applications with respect to claims 31-33.

After entry of this Amendment, claims 27 and 29-30 will be pending in the application.

Claim 27 has been amended to incorporate the limitation of claim 33, and has been amended to recite “a multistage plate.” A “multistage plate” is supported by the specification at page 9, lines 6 to 21.

No new matter has been introduced.

Entry of this Amendment is respectfully requested.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

At page 2 of the Office Action, the Examiner rejects claims 27, 29, 30, and 33 under 35 U.S.C. § 103(a) as being obvious over U. S. Patent No. 6,171,799 to Skibbens, in view of Schwarz et al. (1995), Chavin et al. (1994), Chavin et al. (1993), and Jones et al. (1992).

At page 5 of the Office Action, the Examiner rejects claim 33 under 35 U.S.C. §103(a) as being obvious over EP 0421380 (EP'380), in view of Schwarz et al. (1995), Chavin et al. (1994), Chavin et al. (1993), and Jones et al. (1992).

Applicants have amended independent claim 27 to recite that the device comprises “a multistage plate.” A multistage plate is shown in Figure 1(a) of the present specification. Beginning at page 9, line 21 of the specification, it is described that, when a multistage plate is

employed, it has the advantages that it can treat many cells at the same time and can induce plural types of cells having different functions at the same time.

Since none of the cited references teaches or suggests a device comprising a multistage plate, nor the advantages of using the same, the amended claims are not *prima facie* obvious.

Withdrawal of these rejections is requested.

Response to Claim Rejection Under 35 U.S.C. § 102(b)

At page 6 of the Office Action, the Examiner rejects claims 27, 29, and 30 under 35 U.S.C. 102(b) as being anticipated by EP'380.

Specifically, the Examiner contends that EP'380 teaches a culture device coated with an anti-CD3 antibody and an anti-CD2 antibody, which includes enzymatically cleaved antibody fragments. The Examiner believes that, given the limited number of functional enzymatically cleaved antibody fragments that could be envisioned, F(ab)₂ is disclosed by EP'380.

Claim 27 has been amended to incorporate the limitation of claim 33, which is not rejected under section 102(b).

Withdrawal of this rejection is respectfully requested.

Response to Claim Rejections Under 35 U.S.C. § 112, First Paragraph

At page 7 of the Office Action, claims 27, 29, 30, and 33 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Specifically, the Examiner states that the instant specification fails to enable a device capable of inducing cells that have an ability to suppress hypersensitivity of an immune system which causes autoimmune disease, as recited in unamended claim 27.

Amendment under 37 C.F.R. § 1.116
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The language "wherein said immunosuppressive cells have an ability to suppress hypersensitivity of an immune system which causes autoimmune disease" has been removed from claim 27.

Accordingly, Applicants request withdrawal of this rejection.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

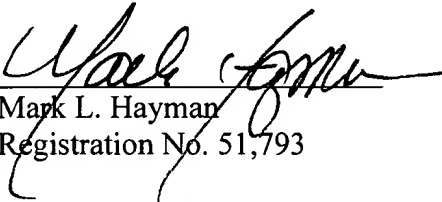
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